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Respondent No.4 : Chhattisgarh Electricity Board
Through Chief Engineer
D.R.S. Bluding, Raipur
Distt. Raipur (C.G.)

Respondent No. 5 : Madhya Pradesh Electricity Board
Through Chief Engineer
Vallabh Bhawan, Bhopal,
Bhopal (M.P.)

OATH COMMISSIONER
APARNA MAURYA
CG-20780/04
Bilaspur Chhattisgarh

Amended as per Court order 2/3/06 &
dt. 27-4-06

Adv. for peti.
01/05/06

5

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

Single Bench

W.P. NO. 885 /2006

PETITIONERs :1. Mrs. Kusum Bai Soni
Wd/o. Late Bharat Prasad Soni
Aged about 45 years,

2. Ajay Kumar Soni
S/o. Late Bharat Prasad Soni
Aged about 19 years,
Both Resident of Chatidih
Ramayan Chowk, Tahsil &
District Bilaspur (C.G.)

P.R. No. 9527 Vivek Sharma
Presented by
dated 20.12.06

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through Secretary
Ministry of Home Affairs
and Secretary Department of
Electricity Board, D.K.S.
Bhawan, Raipur (C.G.)

2. Executive Engineer
Chhattisgarh Electricity Board
Raipur (C.G.)

3. Union of India
Through the Secretary
Department of Personal, Public
Grievance and pension, Third
Floor, Loknayak Bhawan, Khan
Market, New-Delhi.

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R/C
Ghosvamy
21-12-06
KUR VIJAY SINGH
Solicitor General of India
CHHATTISGARH HIGH COURT
Court Campus, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.885/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.7.2006

Shri D.R. Sharma, learned counsel for the petitioner.

Shri A.S Gaharwar, learned counsel for respondent No.1.

Shri S.K. Beriwal, learned counsel for respondent no. 4.

Heard.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has prayed for a direction to the respondent – Chhattisgarh State Electricity Board to consider the case of the petitioner for compassionate appointment.

The case of the petitioner is that her husband namely late Bharat Prasad Soni died in harness on 27.09.1998 while working as Assistant Lineman at Bilaspur. The death certificate is Annxture-P/3. Petitioner No.1 is widow and petitioner No.2 is son of the deceased employee. As at the time of the death of the deceased employee petitioner No.2 was minor, therefore, petitioner No.1 applied for compassionate appointment. Now, peti65ioner No.2 has attained majority and petitioner No.1 wants that instead of her petitioner No.2 should be appointed on compassionate ground. In this regard, petitioner No.1 has also filed her affidavit. The case of the petitioners was not considered and in the meantime, on account of the reorganization of the State, the State of Chhattisgarh was carved out w.e.f. 01/11/2000 and thereafter the Madhya Pradesh Electricity Board was also bifurcated w.e.f. 15/11/2000 and Chhattisgarh State Electricity Board came into existence on that day. As per the provisions of sub-Section (4) of Section 58

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.885/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of the Madhya Pradesh Reorganisation Act, 2000 the assets and liabilities and employees of undivided Board were to be distributed among the MPEB and the CSEB. Vide order dated 6th January 2004, the Government of India, Ministry of Power, issued an order in which it has been mentioned that representatives of both the States agreed in a meeting taken by Secretary, Power on 20th March 2003 that the division of employees would be in line with policy adopted for division of employees of Madhya Pradesh Government. In Para 2, it has been mentioned that the matter has been considered and in partial modification of provisional order dated 12th April 2001 so far as relating to the division of employees it has been decided finally to divide the posts and employees on the lines followed by DOPT for allocation of posts and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective State and similarly employees belonging to such sub State territorial cadres being allocated to concerned State and only dividing the remaining posts and employees between the two States, the Government of India has decided to appoint a three members State Advisory Committee to be headed by the same person who was the Chairman of SAC appointed by DOPT for Madhya Pradesh. Therefore, on this principle the employees of MPEB who were working in the territory of newly created Chhattisgarh are to be allocated to the successor Chhattisgarh State

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.885/06 **सन्** **200**

95

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Electricity Board on the principle and line followed by DOPT for allocation of posts and employees of the State Government of erstwhile State of Madhya Pradesh. It is admitted position that the petitioner's father, at the time of death i.e 27.09.1998 was working in the territory of CSEB and when the petitioner No.1 had applied for compassionate appointment the policy for compassionate appointment dated 30.01.1997 was in existence. Therefore, her case ought to have been considered under that policy by the MPEB and on the same line the State of Chhattisgarh has also taken a decision that the dependants of those employees who died on or after 01.11.1997 are entitled for compassionate appointment. Therefore, the petitioner No.2 is entitled for consideration of his application under the policy dated 30.01.1997.

For the foregoing reasons, the petition is allowed and the respondent – CSEB is directed to consider the case of the petitioner No.2 for compassionate appointment in accordance with the policy dated 30/01/1997.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Brajesh

(पीछे देखिये)

14/7/06
18/7/06